

Naples City Council

August 13, 2020

Minutes

The regularly scheduled meeting of the Naples City Council was held August 13, 2020, 7:30 p.m., at the Naples City Office, 1420 East 2850 South, Naples, Uintah County, Utah.

DATE, TIME & PLACE OF MEETING

Council members attending were Dean Baker, Robert Hall, Gordon Kitchen, Dennis Long, and Dan Olsen. Kenneth Reynolds was absent.

COUNCIL MEMBERS ATTENDING

Others attending were Duston Mortenson, Ryan Cook, Heidi Lundberg, Fernando Rivera, Troy Ostler, Andrew Cox, Joshua Bake, and Nikki Kay.

OTHERS ATTENDING

Mayor Dean Baker welcomed everyone and called the meeting to order at 7:30 p.m. Mayor Baker opened the meeting with the pledge of allegiance. Councilman Dan Olsen offered the invocation.

OPENING CEREMONY

Before Mayor Baker presented the agenda for approval, he read a statement from Councilman Kenneth Reynolds. In the statement Councilman Reynolds noted that a discussion regarding changes to the sign ordinance was on the agenda and because they have not received a final opinion from the appeals officer regarding the removal of a billboard located on property in Naples City, he asked if they would table the discussion on changes to the sign ordinance until that information is received. Mayor Baker said if no one has a problem with that he would like to pull item six and seven from the agenda. Robert Hall **moved** to approve the agenda with the changes. Dan Olsen **seconded** the motion. The motion passed with all in attendance voting aye.

AGENDA APPROVED

The minutes of the regular city council meeting of July 9, 2020 were presented for approval. Dennis Long **moved** to approve the minutes for July 9, 2020. Dan Olsen **seconded** the motion. The motion passed with all in attendance voting aye.

MINUTES APPROVED

Mayor Baker asked if anyone had anything they wanted to follow up on from the previous meeting. Nothing was brought forward.

FOLLOW UP ITEMS FROM PREVIOUS MEETING

Nikki Kay presented the bills in the amount of \$27,864.73. Dennis Long **moved** to approve payment of the bills. Robert Hall **seconded** the motion. The motion passed with the following roll call vote:

Robert Hall	Aye
Dan Olsen	Aye
Dennis Long	Aye
Kenneth Reynolds	Absent
Gordon Kitchen	Aye

APPROVAL OF THE BILLS

Joshua Bake presented a business license application from Basin Recycling located at 1120 East 1500 South. Joshua stated this was a change of ownership for the business of Basin Industries. Joshua said they do have a conditional use in place. He stated the owners have the option of continuing under the original conditional use for the business or applying under the new conditions set forth by the Planning Commission. Joshua stated the new owners chose to go with the conditions as set forth in the Land Use Ordinance and they signed off on those. Joshua said this business was recommended for approval by Dale Peterson with the attached conditions. Councilman Long wanted to know how long the conditional use permit would be good for. Joshua stated as long as they stay in compliance it doesn't expire. Dennis Long **moved** to approve the business license with the stated conditions. Gordon Kitchen **seconded** the motion. The motion passed with all voting in the affirmative.

BUSINESS LICENSE APPROVAL

Joshua Bake presented a business license application from Car Mate Auto located at 1382 East 1300 South. Joshua said this application is a little unique because they have a portion of the business that will be conditional use. He said the company buys junk cars but they also sell cars. Joshua said the applicants were agreeable to all of the conditions listed and they have six months to come into full compliance. He stated if they have not done so at the end of the six months they have the option of coming before Council to request a six-month extension. Joshua said one of the conditions is the junk cars can't be visible from the street, the used cars can but not the salvage cars. The owners will need to have a sight obscuring fence put up. Joshua said the business has been inspected by Mr. Peterson and it is recommended for approval. Robert Hall **moved** to approve the conditional use permit and the business license for We Buy Junk Cars. Dennis Long **seconded** the motion. The motion passed with

all in attendance voting aye.

The proposed changes to the Land Use Ordinance chapter 02-16 and definitions for a sign were tabled until the next meeting.

AGENDA ITEMS SIX AND SEVEN - CHANGES TO THE LAND USE ORDINANCE CHAPTER 02-16 AND AMENDING SIGN DEFINITIONS - TABLED

Ryan Cook came before the Council to discuss chip sealing 500 East. Ryan said he met with Troy Ostler and drove some of the roads in the City. Ryan said the bike lane and shoulder of 500 East are cracking quite a bit and showing definite signs of stress. Ryan feared they would end up losing the whole shoulder unless they do something about it. He said they visited with Josh about it and discussed how the friction surface is almost gone. Ryan said the more the rocks are pushed down in and the oil comes to the surface the faster the oxidation, making the road deteriorate quicker. Ryan's recommendation was to chip seal all of 500 East and get it striped. He said it would be \$65,000 to chip seal it and about \$9,000 to stripe it. Ryan recommended using the money currently budgeted for striping to help with the cost of the chip seal and striping and then allocating more from capital projects to cover the rest. Councilman Long asked if the County was going to stripe 2500 South. Ryan said he thought it was scheduled for next Friday. Councilman Long wanted to know if the \$65,000 was already in the budget. Joshua said the current budget has \$35,000 for road striping. He explained they would like to delay the road striping for a year and use that amount for the chip seal. Joshua said Ryan had a really good idea to make use of the crews currently in the area doing asphalt management in the County. He said it would save the City quite a bit of money to use them while they are here and cut out the cost of mobilization by piggy backing off the projects already being done. Joshua said they will use the \$35,000 already budgeted for striping, reallocate it, and then budget an additional \$39,000 from capital roads. He said they will postpone the striping for a year. Councilman Kitchen worried a little about the safety of those riding in the bike lane over the chip seal. Ryan said he will try and address that with Troy Ostler to see if there is something they can do. He said it is generally okay because they come and put the seal coat on. Mayor asked if they were looking for a motion for the cost of the project. Joshua said as part of other matters later on the agenda he was

PROPOSAL TO CHIP SEAL 500 EAST

going to ask for approval to set a date for a public hearing to open and amend the budget. He said they would need to amend it to put this cost in capital projects to expend it. Joshua said they were asking for approval to start the project and then to officially amend the budget at a public hearing. Gordon Kitchen **moved** to approve Joshua's recommendation to begin the project and move toward getting the funds budgeted. Dan Olsen **seconded** the motion. The motion passed with the following roll call vote:

Gordon Kitchen	Aye
Kenneth Reynolds	Absent
Dennis Long	Aye
Dan Olsen	Aye
Robert Hall	Aye

Joshua presented a proposed change to the municipal vehicle policy. He explained that revenues are very low, which they anticipated, and the police department had budgeted for six police lease vehicles and are now down to four officers. Joshua requested an amendment to the policy that for the next three years, while they have the cars on lease, that he forgo his car allowance and he will drive one of the lease vehicles. He stated this would save the City over \$40,000. He did request that at the end of the three years he be able to go back to the other allowance and that he be able to use the vehicle for personal use. Mayor Baker wanted to know if there would be any thing needed for him to drive one. Joshua said he would be covered as an employee. Robert Hall **moved** to amend the vehicle policy as stated. Dennis Long **seconded** the motion. The motion passed with the following vote:

Robert Hall	Aye
Dan Olsen	Aye
Dennis Long	Aye
Kenneth Reynolds	Absent
Gordon Kitchen	Aye

Joshua Bake updated the council on the CIB hearing where they presented the storm water canal project. He said it was a unique and frustrating hearing. Joshua said he felt like they had a very good project with multiple entities involved and from the number one contributing county. He stated what it came down to was they were given a 50/50 grant/loan with ½% interest on the loan, on only the amount of money requested from CIB. Joshua said they did not take into

MUNICIPAL VEHICLE POLICY AMENDMENT

UPDATE ON CIB PROJECT PROPOSAL HEARING FOR STORM WATER CANAL PROJECT

account the \$810,000 being contributed by the entities. He stated he tried to clarify this with the Board and they confirmed that and approved it. Joshua said right now it would be \$868,000 on a 20-year loan at ½% interest which would equate to \$46,000 per year. \$867,000 in grant, just \$1,000 difference between the loan and grant. He said with the new formula they recommended 100% loan with 1 ½% interest which Josh said made no sense. Joshua stated they have a couple of options. The Council can accept it and move forward, which he didn't think was a great idea. He said the City might be able to afford the \$46,000 per year but it would definitely limit the road projects the City could do in the future. Josh said the City has not done very many road projects recently and there are ones that really need done. Joshua said he has been working with Ryan to create a road inventory listing what needs to be done and he said there is a lot. Joshua said he talked with the Mayor and they are going to schedule a meeting with Vernal and the County to see what they can figure out. Josh explained the County does collect a storm water tax that could go to this project. He believed if they could get the amount of money brought in increased it would bring the cost back down to where it should have been. He said the way it balances out right now, if accepted as is, Naples City would be paying 100% for our portion of 2500 South at ½% interest. Joshua stated that would be worse than if the City had gone to the CIB by itself. He said if they could get Vernal City and/or the County to chip in about \$400,000 then it gets the City down to about a 50/50 where they could make it work and still save money for other projects. Joshua explained there is still time to work with the other entities and technically there has not been a final approval from the Board. He said that will come at the funding meeting. Joshua said there is more pressure on Vernal and the County, and a lot of the storm water issues are in their area. Joshua said what the City wants done on 2500 South does not have to be done, it is a great time to do it, but it doesn't have to be done. Joshua stated he felt like this would be a huge financial burden to the City and jeopardize future road projects. Joshua said, as far as the passthrough concerns they may have heard of with the canal project and the City's project, that seemed to be handled pretty well and the CIB didn't have a big issue with that. Joshua said he understands that their budgets are down but this project came from the number one contributing county and should have a really good application. Joshua said they will have the conversation with Vernal and the County and then it will come back to the

Council because the City is the lead entity. He stated it will be up to them as to whether or not the project is accepted as is. He said if they can get Vernal and the County to bring their money in then it would be good. Councilman Long wanted to know, if the City does nothing, what will happen. Joshua said essentially the big problem is going to be in Vernal and the County. Councilman Long said the City doesn't have the problem if they don't put the canal there. Councilman Kitchen said the canal will stay because they are using it as the catch for storm water but it is still the carrier from all around. He said they want to encase it so the road is better. Joshua said it would be nice to take care of the canal right now but it's not a necessity. Mayor Baker said he felt like the CIB didn't understand what they were trying to do with this project but the City could just ask for the 50/50 on 2500 South and the County and Vernal would be on their own for the crossings. Mayor said they could take the money for the east side and let the canal company figure out how they are going to make their crossings. He said they can tell them they can run their pipe through there but they can't tear up the road. Mayor Baker said the funding meeting will be October 1, 2020 and things could change between now and then. Councilman Hall said he would not be in favor at all unless the funding changes.

Mayor Baker stated he spoke with most of the council members separately about what he wanted to do regarding the appointment of a Treasurer. He said he was trying to figure out what to do and he came up with the idea of doing the position as a contractor and he approached Duston Mortenson about being the Treasurer for the City. He said this would be an at-will position for \$1,400 per month. Mayor Baker said Mr. Mortenson would receive a 1099 and would not be an employee of the City. Mayor Baker said that is what he would like to do and asked the Council to approve his appointment. Mayor Baker said he would like to swear Mr. Mortenson in tonight. Councilman Kitchen said he didn't have a problem with anything that was said so far but he hasn't seen any contractual agreement that specifies the duties and how the City would be protected and also as a protection for Mr. Mortenson. He said he would like to see that before the appointment takes place. Joshua Baker said they don't have a contract yet. Mayor Baker said they can't really draft an agreement until they sit down and draw out the different responsibilities. Councilman Kitchen said he would have a hard time agreeing to execute a contract that he hasn't seen. Mayor said they aren't voting tonight to

APPOINTMENT OF TREASURER

execute the contract. Mayor Baker said he is at-will and if they decide tomorrow they don't want him that would be it. Councilman Kitchen stated he understands what at-will means. Mayor Baker said the City was pushing to get someone in place. Councilman Kitchen said he understands all that, he was still very uncomfortable in entering into an at-will agreement because there are still legal issues you run into. Councilman Kitchen said the motion could be made and it can pass but he would feel more comfortable having the agreement in place first. Mayor Baker said they could approve him tonight and then come back in two weeks with the contract. Councilman Kitchen said he has no problem approving his proposal but he does have a problem with swearing him in without that contract. Councilman Olsen said they could authorize to proceed with the appointment contingent upon the contract. Mayor Baker wanted to know if they could approve the appointment tonight stating there would be a contract in place by the end of the month? Councilman Kitchen said he was still not good with that. He wants to see the contract with the expectations. Mayor Baker wanted to know if that was his motion. Councilman Kitchen wanted to know if he was asking for a motion. Mayor Baker said he was asking for consent to appoint the Treasurer. Councilman Hall said they could appoint him with the understanding that there is no reimbursement until there is a contract, which would be in two weeks. Mayor Baker asked Mr. Mortenson if he was fine with that. He stated he was. Mayor Baker wanted to know if that was a **motion** from Councilman Hall. He said yes. Dan Olsen **seconded** the motion. The motion passed with the Mayor voting aye to break a tie vote.

Robert Hall	Aye
Dan Olsen	Aye
Dennis Long	Nay
Kenneth Reynolds	Absent
Gordon Kitchen	Nay

At this point Nikki Kay administered the oath of office to Duston Mortenson to act as the Treasurer for Naples City.

Nikki Kay stated the Council would need to approve a resolution with PTIF in order to add Mr. Mortenson to their system and maybe it should wait until the agreement is in place. Dan Olsen **moved** to table the Resolution. Robert Hall **seconded** the motion. The motion passed with all voting

PTIF RESOLUTION

aye.

It was noted that a public hearing to open and amend the budget would need to be set. In order to get a notice in the paper it was decided to schedule the hearing for September 24, 2020 at 8:00 p.m.

***OTHER MATTERS OR
FUTURE COUNCIL
MATTERS***

A discussion was held about the upcoming joint City and County meeting to discuss the special service districts. The meeting will be the 24th at 4:30 at the Conference Center and the City would need a quorum present in order to take any official action at that meeting.

With no other business before the Council, Dennis Long **moved** to adjourn the meeting at 8:26 p.m. Dan Olsen **seconded** the motion. The meeting was adjourned by all voting in favor of the motion.

MOTION TO ADJOURN

APPROVED BY COUNCIL ON THE 27th DAY OF AUGUST 2020

BY: _____

ATTEST: _____